

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

Benjamin Salinas

PRINCIPAL

A202 081 623

YOB: 1988

United States District Court
Southern District of Texas
FILED

CRIMINAL COMPLAINT

Case Number:

M-14-1735-M

SEP 04 2014

(Name and Address of Defendant)

Clerk of Court

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 2, 2014 in Brooks County, in the Southern District of Texas defendants(s) did,

(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Jorge Cruz-Hinojosa and Cesar Manuel Diaz-Ruiz, citizens and nationals of Mexico, along with five (5) other undocumented aliens, for a total of seven (7), who had entered the United States in violation of law, did knowingly and intentionally conspire and agree together with other persons known and unknown to transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Edinburg, Texas to the point of arrest near Encino, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(v)(I), 1324 (a)(1)(A)(ii)

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On September 02, 2014, Border Patrol Agents (BPA) A. Forbes and D. E. Garza were conducting patrol duties on Highway 281 south of the Falfurrias Border Patrol Checkpoint. BPA J. Cervantes was also on patrol and notified Agents he observed a grey Ford Taurus and black Lincoln Navigator travelling in tandem. BPA Cervantes noticed the Taurus was occupied by multiple subjects and appeared to be heavily laden with additional weight. He also relayed the black Navigator was driving erratic and appeared to be making an attempt to divert the attention away from the Taurus.

SEE ATTACHED:

Continued on the attached sheet and made a part of this complaint:

*Approved by
Joseph Leonard*

Yes No

Frediberto Hernandez
Signature of Complainant

Sworn to before me and subscribed in my presence,

September 4, 2014

Date

Frediberto Hernandez Senior Patrol Agent

Printed Name of Complainant

at McAllen, Texas

City and State

Dorina Ramos
Signature of Judicial Officer

Dorina Ramos, U. S. Magistrate Judge
Name and Title of Judicial Officer

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS

ATTACHMENT TO CRIMINAL COMPLAINT:

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CONTINUATION:

BPA Forbes and Garza then observed the described vehicles pass their location as they monitored traffic. They proceeded to drive alongside the Taurus and also confirmed the vehicle was heavily laden. While following the vehicle for indicators as to illegal activity, the black Navigator approached the Agents marked unit at a high rate of speed. The Navigator pulled alongside the Agents and would speed up, slow down, and swerve towards the direction of the patrol car. Agents then observed the driver, later identified as Benjamin Salinas, attempting to get their attention by making aggressive hand gestures through the window. Based on the hand gestures, Agents suspected Salinas was questioning them in an aggressive manor as to what they wanted or what they were going to do. The Navigator then passed the patrol car and Taurus through the shoulder of the road almost losing control and raising debris to the patrol car.

As the vehicles continued travelling on Highway 281, the Navigator then changed lanes and drove in front of the patrol car slowing down abruptly and excessively in an attempt to lead Agents away from the Taurus. Salinas then drove the Navigator alongside Agents and steered towards the patrol car as he tried to veer the Agents off the road. Agents managed to gain control of the patrol car through evasive actions and avoided a collision. A PT Cruiser was also driving with the Taurus and Navigator and appeared to be involved in the caravan. The three vehicles then all changed lanes and turned onto FM 755. While turning, the Navigator slowed down and attempted to make contact once again with the patrol car. Salinas then maneuvered the Navigator in between the Taurus and patrol car attempting to block the Agents from travelling behind the Taurus. As they drove, Salinas then slammed on the breaks of the Navigator causing the Agents to do the same almost causing a rear end collision.

Agents managed to circumvent the Navigator and drive behind the Taurus and PT Cruiser. The Navigator then made a U-turn and travelled in the direction back towards Highway 281. A Customs and Border Protection helicopter was in the area and assisted in following the Navigator. The Taurus drove ahead of the PT Cruiser and BPA Forbes and Garza continued to follow. BPA Cervantes then maintained observations on the PT Cruiser. Based on all of the sequence of events, Agents activated their emergency lights to conduct an immigration inspection on the occupants of the Taurus. When doing so, the Taurus slowed down and turned into an open field where all of the subjects bailed out. Agents were able to observe approximately five subjects but only managed to locate two. Both subjects admitted being illegally present in the U.S.

Brooks County Constable Officer B. Garza was in the area and provided assistance attempting a traffic stop on the PT Cruiser. Several subjects also bailed out from the vehicle and Agents managed to locate 6 subjects of which they also admitted to being illegally present in the U.S. Several minutes later, the occupants of the Lincoln Navigator also bailed out in an attempt to abscond. Three subjects from that vehicle were found and all claimed to be United States citizens. Agents were able to recognize the driver of the Navigator, Benjamin Salinas, within the group of subjects apprehended. All of the subjects were then transported for processing and further questioning. At the station, records revealed Salinas has been encountered by Border Patrol on three prior occasions.

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On July 1, 2012 he was the driver in a 1 on 5 Administrative Smuggling Case. On December 15, 2013, he was part of a 3 principal administrative smuggling case where 1 subject was being smuggled. On August 16, 2014, he was the passenger in a 2 on 2 Administrative Smuggling Case at the Sarita Checkpoint. He was not prosecuted in any of the previous cases. Based on the events and his own admission, Salinas was linked to alien smuggling in this case.

Principal Statement:

Benjamin Salinas was read his Miranda Rights and agreed to provide a statement. He stated at the time of his arrest, his job was to scout for law enforcement and block any Border Patrol Agents from getting to the alien load vehicle. He also stated there were two alien load vehicles which were a white PT Cruiser and grey Ford Taurus. As they drove, Salinas stated he drove off the road to indicate he was going to bail out but the Agent continued to travel north. He then drove close behind the patrol car to scare the Agent driving. He continued to try and distract the Agents by cutting them off and trying to run them off the highway to keep away from the load vehicles. The Agents managed to continue to follow the load vehicles so he decided to make a U-turn and drive south. After he saw the helicopter, he suspected he was not going to get away so he decided to run. Salinas further stated he was going to be paid \$150 for his participation.

Material Witness Statements:

Jorge Cruz-Hinojosa claimed to be a citizen of Mexico and illegally entered into the U.S. He stated he arranged to pay \$1,500 to be smuggled to his final destination. After his entry, he was taken to several stash houses. He was then instructed to board a Ford Taurus and was going to be transported north. A white PT Cruiser was ahead of the Taurus so Cruz assumed they were following that car. Cruz also noticed a black Navigator attempt to cut off one of the Border Patrol vehicles so he was certain the vehicle was associated to them. When they stopped, all of the subjects in the vehicle attempted to flee.

Cesar Manuel Diaz-Ruiz claimed to be a citizen of Mexico and illegally entered into the U.S. He stated he paid \$1,500 as an advance for his smuggling fee. After his entry, Diaz was taken to several stash houses and ultimately transported north. He indicated a white PT Cruiser and black Lincoln were all involved.